

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

MANONA C. POWELL

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security

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NO. 2:07-CV-145

REPORT AND RECOMMENDATION

Plaintiff's counsel has filed a Motion [Doc. 24] for approval of attorney's fees under 42 U.S.C. § 406(b). The Motion was later amended [Doc. 27]. The Commissioner does not oppose the Motion [Doc. 28]. Counsel was previously awarded a fee of \$1,293.75 under the Equal Access to Justice Act, which counsel will refund to the plaintiff should this Court award a greater fee under the present Motion. The Social Security Administration has withheld the sum of \$10,648.50 to pay attorney's fees. Counsel requests a total fee of \$2,052.00. Counsel is extremely experienced in representing Social Security claimants and the award of this sum will in no respect constitute a windfall. The Court finds the requested amount to be fair and reasonable. It is therefore respectfully RECOMMENDED that counsel's Motion be GRANTED, and that he be allowed a fee of \$2,052.00 under 42 U.S.C. § 406(b).¹

Respectfully Submitted:

s/ Dennis H. Inman
United States Magistrate Judge

¹Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947-950 (6th Cir. 1981); 28 U.S.C. § 636(b)(1)(B) and (C).

